

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re Commonwealth of Pennsylvania's
Application for Extraordinary Jurisdiction

Civ No. 2:13-cv-03038-BMS

In
Commonwealth of Pennsylvania

v.

Christopher Williams
(No. 88 EM 2013)

**DEFENDER ASSOCIATION'S UNOPPOSED MOTION FOR LEAVE TO FILE A
REPLY IN SUPPORT OF MOTION TO DISMISS**

Respondent The Defender Association of Philadelphia ("FCDO"¹), by its undersigned attorneys, moves this Court for leave to file a reply brief in support of its motion to dismiss. Respondent further requests that the reply brief be due on July 19, 2013. In support of this Motion, Respondent states as follows:

1. In this proceeding, the District Attorney of Philadelphia County filed an Application to the Pennsylvania Supreme Court asking that court to exercise its extraordinary jurisdiction and order a hearing to determine whether the Federal Community Defender Organization ("FCDO"), a branch of the Defender's Association, will be allowed to continue to represent capital inmate Christopher Williams in a related, non-capital Pennsylvania Post-Conviction Relief Act proceeding. The District Attorney's Application suggests that the

¹ The Defender Association of Philadelphia's Federal Court Division is a Community Defender Organization within the meaning of 18 U.S.C. § 3006A(g)(2)(B). The Federal Court Division of the Defender Association of Philadelphia is often and appropriately referred to as the "Federal Community Defender Organization, Eastern District of Pennsylvania" or "FCDO" for short. For purposes of these proceedings, "FCDO" will denote the Federal Court Division of the Defender Association.

FCDO's representation of Mr. Williams in state court violates 18 U.S.C. § 3599. On June 3, 2013, the FCDO removed the Commonwealth's Application for Extraordinary Jurisdiction to this Court. Dkt. No. 1.

2. On June 24, 2013, the FCDO filed a motion to dismiss the proceeding with prejudice. Dkt. No. 14.

3. On July 3, 2013, the Commonwealth filed its opposition to the FCDO's motion to dismiss. Dkt. No. 16.

5. The FCDO seeks leave to reply to the Commonwealth's opposition to its motion to dismiss. Per this Court's Policies and Procedures, the brief shall not exceed 25 pages.

7. The FCDO respectfully requests that the due date for its reply brief be July 19, 2013.

9. Counsel for the FCDO has consulted with counsel for the Commonwealth, who indicated that the Commonwealth does not oppose this motion.

For the foregoing reasons, the FCDO respectfully requests leave to file a brief of no more than 25 pages in reply to the Commonwealth's opposition to the FCDO's motion to dismiss, and that this reply brief be due on July 19, 2013.

Respectfully submitted,

Dated: July 9, 2013

/s/ David Richman
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*Attorneys for Respondent Defender Association of
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CERTIFICATE THAT THE MOTION IS UNCONTESTED

I hereby certify that on July 9, 2013, I consulted with counsel for the Commonwealth, Peter Carr, who indicated that the Commonwealth does not oppose the Defender Association's motion to file a reply brief to be due on July 19, 2013.

/s/ Joshua Salzman

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Unopposed Motion for Leave to File a Reply in Support of Motion to Dismiss will be served via CM/ECF notification upon the following:

Hugh J. Burns, Jr.
Peter Carr
Philadelphia District Attorney's Office
Three South Penn Square
Philadelphia, PA 19107

/s/ David Richman

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PROPOSED ORDER

AND NOW, this ____ day of July, 2013, upon consideration of the Defender Association of Philadelphia's ("FCDO") unopposed motion for leave to file a reply brief in support of its motion to dismiss on July 19, 2013, it is hereby ORDERED that said motion is GRANTED. The FCDO shall file a reply brief not to exceed 25 pages on July 19, 2013. IT IS SO ORDERED.

BERLE M. SCHILLER
United States District Judge